

**REMARKS**

Upon entry of the foregoing amendment, claims 1-8, 10-17, 19, 21-27 and 30-33 are pending in this patent application with claims 1, 8 and 21 being the independent claims. Claim 9 was previously canceled and claims 18 and 20 hereby canceled.

Based on the amendment and following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn. Applicant provides the foregoing amendment in compliance with the Examiner's indication of allowable subject matter and, therefore, asserts that its entry after final is proper.

**Allowable Subject Matter**

Applicant appreciates the Examiners indication of allowable subject matter. The Examiner has indicated that claim 1 would be allowable if amended to recite that the transducer converts mechanical vibration to an electrical signal and that the movement between the magnet and housing includes both linear and rotational motion. Claim 1, as amended, recites a transducer including a magnet and housing that are configured so that the magnet moves relative to the coil both linearly and rotationally thereby converting mechanical vibration to an electrical signal. Claims 2-7, 32 and 33 depend from and include all of the features of claim 1 and, for at least the same reasons, are patentable.

The Examiner also indicated that claim 8 would be allowable if the claim were amended to recite that the transducer is configured to convert mechanical vibration to an electrical signal. Claim 8 has been amended accordingly. Claims 10-17 depend from and include all of the features of claim 8 and, for at least the same reasons, are patentable.

Furthermore, the Examiner indicated that claim 21 is objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including the features of the base claim and any intervening claims. Claim 21 has been amended accordingly. Claims 19 and 22-31 depend from and include all of the features of claim 21 and, for at least the same reasons, are patentable.

### **Rejections Under 35 U.S.C. 102**

The Examiner rejected claims 1-3, 7 and 18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,225,770 to Montagu (“Montagu”). Claim 1 has been amended in accordance with the Examiner’s indication of allowable subject matter, claims 2, 3 and 7 depend from and include all of the features recited in claim 1, and claim 18 is canceled. As a result, this rejection has been rendered moot.

The Examiner also rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,525,456 to Merrill. As described above, claim 1 has been amended in accordance with the Examiner’s indication of allowable subject matter, thereby rendering this rejection moot.

### **Rejections Under 35 U.S.C. 103(a)**

The Examiner rejected claims 4-6, 8, 10, 11-17, 19, 20, 22, 25-27, and 30-33 under 35 U.S.C. § 103(a) as being unpatentable over Montagu in view of U.S. Patent No. 4,922,753 to Idogaki *et al.* Claims 4-6, 32 and 33 depend from and include all of the features of amended claim 1 and, for at least the same reasons, are patentable. Claim 8 is amended in accordance with the Examiner’s indication of allowable subject matter. Claims 10-17 depend from and

include the features of claim 8 and, for at least the same reasons, are patentable. Claims 19, 22, 25-27, 30 and 31 depend from and include all of the features of amended claim 21 and, for at least the same reasons, are patentable. Claim 20 is canceled. As a result, this rejection has been rendered moot.

The Examiner rejected claims 19, 20 and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Montagu in view of U.S. Patent No. 2,680,986 to Company. Claims 19 and 22-24 depend from and include all of the features of amended claim 21 and, for at least the same reasons, are patentable. Claim 20 is canceled. As a result, this rejection has been rendered moot.

### Conclusion

It is believed this amendment now has placed the application in condition for consideration and allowance. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-0683 of Luce, Forward, Hamilton & Scripps.

Respectfully submitted,



Peter K. Hahn  
Attorney for Applicant(s)  
Reg. No. 34,833

LUCE, FORWARD, HAMILTON  
& SCRIPPS LLP  
600 West Broadway, Suite 2600  
San Diego, California 92101  
Telephone No.: (619) 699-2585